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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of 73.202 (b)) MM Docket No. 01-105 /
Table of Allotments) RM-10104
FM Broadcast Stations)
(Shiner, TX))

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

REPLY COMMENTS

Stargazer Broadcasting, Inc. ("Petitioner") hereby respectfully submits this reply to Comments filed by First Broadcasting, L.P., Next Media Licensing, Inc., Rawhide Radio, L.L.C., Capstar TX L.P. and Clear Channel Broadcasting Licenses, Inc. ("Joint Parties") in the above captioned proceeding.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 232 A to Shiner, Texas, as that community's first aural broadcast transmission service. Notwithstanding the Joint Parties objection that Petitioner's NPRM was short spaced to a rule making that they included in a counterproposal filed in MM Docket No. 00-148, it is Petitioners position that our NPRM was filed using the latest data from the FCC database at the time the filing was made. At that time there was no short spacing shown in the database. As of this writing (6-22-01) there is still no short spacing shown to the Joint Parties Flatonia allotment request to the site Petitioner requests at Shiner, Texas. Please see the attached channel

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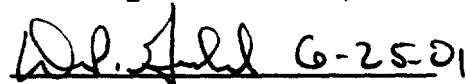
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study. It is Petitioners position that the Joint Parties counterproposal in MM Docket No. 00-148 was faulty from its original submission since the Commission has seen fit not to accept it for filing and has not entered it in the FCC database. The Commission should not accept a counterproposal that is not technically correct when filed. See e.g., Broken Arrow and Bixby, Oklahoma and Coffeyville, Kansas, 3 FCC Rcd 6507 (MM Bureau 1988). In the Joint Parties counterproposal they state on page 13, Footnote 5 that, in referring to radio station KICM's request for a one step upgrade to Class C1 "The Joint Parties expect that the Class C1 application will be dismissed shortly." To this date the Joint Parties have made no showing that radio station KICM-FM has made any such request or that the Commission has taken any action to deny them the upgrade. Petitioner submits that the Joint Parties counterproposal is faulty on this basis alone.

It is Petitioners request that the Commission deny the Joint Parties Flatonia allotment request and allot Channel 232 A to Shiner, Texas as it's first aural service. Should Channel 232 A be allocated to Shiner, Texas, Petitioner will apply for the station and promptly build the station should it be granted permission to do so.

The information provided in these Reply Comments is correct and true to the best of my knowledge.

Respectfully submitted,

 6-25-01

David P. Garland

President

Stargazer Broadcasting, Inc.

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REFERENCE
29 25 59 N
97 13 20 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 06-22-01
SEARCH 06-22-01

----- Channel 232 - 94.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 232A	Shiner	TX	0.00	0.0	115.0	-115.00
KAJI	LIC 231C3	Point Comfort	TX	88.86	145.9	89.0	-0.14
KTBFM	LIC 233C	Houston	TX	166.78	84.1	165.0	1.78
KAJI.C	CP 231C3	Point Comfort	TX	92.55	143.5	89.0	3.55
KBPL.A	APP 233C2	Three Rivers	TX	112.42	225.3	106.0	6.42
KLBJFM	LIC 229C	Austin	TX	111.73	330.7	95.0	16.73
KAMX	LIC 234C	Luling	TX	113.32	330.8	95.0	18.32
KULF.C	CP 231C3	Brenham	TX	110.64	44.4	89.0	21.64
KLEYFM	LIC 231C2	Floresville	TX	128.46	257.9	106.0	22.46
ALLO	VAC 231C2	Brenham	TX	136.37	38.4	106.0	30.37
KULF.A	APP 231C2	Brenham	TX	136.37	38.4	106.0	30.37
KULF	LIC 231A	Brenham	TX	110.64	44.4	72.0	38.64
KRVL	LIC 232C2	Kerrville	TX	205.83	296.8	166.0	39.83
KHTZ.C	CP 232A	Cameron	TX	159.08	6.6	115.0	44.08
K232CM	LIC 232D	San Antonio	TX	134.88	272.4	85.0	49.88
KBUK	LIC 285A	La Grange	TX	60.58	34.5	10.0	50.58
KEMA	CP 233C2	Three Rivers	TX	160.55	227.6	106.0	54.55
KKRW	LIC 229C	Houston	TX	168.34	84.2	95.0	73.34
K232BY	LIC 232D	Killeen	TX	188.90	347.0	85.0	103.90
K285ES	APP 285D	Austin	TX	113.08	330.6	5.5	107.58
K285ES	CP 285D	Austin	TX	113.48	330.7	5.5	107.98
KMXR	LIC 230C1	Corpus Christi	TX	187.52	192.4	75.0	112.52
KMXR.C	CP 230C1	Corpus Christi	TX	190.70	192.4	75.0	115.70
RADD	ADD 286A	Thorndale	TX	131.03	0.7	10.0	121.03
KMAT	LIC 286C3	Seadrift	TX	134.46	145.8	12.0	122.46
K286AK	LIC 286D	Round Rock	TX	128.93	339.6	5.5	123.43
RADD	ADD 286A	Thrall	TX	134.60	2.8	10.0	124.60
KHTZ.A	APP 286C3	Cameron	TX	141.29	3.5	12.0	129.29
KOVA	LIC 285A	Rosenberg	TX	144.25	79.3	10.0	134.25
RDEL	DEL 285A	Rosenberg	TX	144.25	79.3	10.0	134.25
KXXS	LIC 285C2	Marble Falls	TX	149.37	318.9	15.0	134.37
RADD	ADD 285C3	Marble Falls	TX	146.42	320.4	12.0	134.42
KBAE.C	CP 285C3	Marble Falls	TX	149.37	318.9	12.0	137.37
KBSO	LIC 234C3	Corpus Christi	TX	180.34	190.0	42.0	138.34
KYOX	LIC 232C2	Comanche	TX	309.23	333.3	166.0	143.23
AP232	APP 232L1	Donna	TX	210.56	337.6	67.0	143.56
ALLO	VAC 232C3	Grapeland	TX	286.66	34.3	142.0	144.66

CERTIFICATE OF SERVICE

I, David P. Garland, do hereby certify that I have on this 25th day of June, 2001 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Reply Comments" to the following:

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